

The amendment of the local government of counties, is obviously a complement to the improved legislation for the government of towns. The English Bill for the amending the government of counties in England was postponed, and the settlement of the question there will facilitate the solution of this important branch of Irish Local Government.

At no former period of the Society's history had the Council to report the same progress in the adoption by the Legislature of views that had been advocated in this Society as during the past two years, and they feel that this progress ought to be a great encouragement to members, to exert themselves with still more zeal in applying social science to the numerous Irish questions which require to be dealt with to secure that our progress shall be equal to the rest of the United Kingdom.

III.—*On the Landlord and Tenant (Ireland) Act, 1870.* By D. C. Heron, Q.C. M.P.

[Read Friday, 22nd December, 1871].

I DESIRE in the present paper to give a short sketch of the several Bills which were introduced into Parliament in reference to the Irish Land Question, in order to compare the Act of 1870 with the attempts at previous legislation. I desire, also, to exhibit the practical working of the Act during the brief time it has been in operation.

The land question of Ireland was before the House of Commons from the year 1835. In that year, Mr. Sharman Crawford and Mr. M'Cance brought in a bill which applied only to tenants holding a lease or an agreement for a lease, and provided that on ejectment for non-payment of rent or on the determination of the lease, the tenant was to get a certain number of years' purchase of a proportion of the increased rent produced by the tenant's improvements in the soil, or by buildings suitable to the holdings. The amount was to be fixed by arbitrators or by the county court, or at the assizes.

In 1836, Mr. Sharman Crawford and Mr. Shiel introduced a bill, which was not confined to leaseholds but extended to all tenancies. The greater part of Ireland had been held under forty-shilling freeholds. This franchise was for many reasons abolished on the passing of the Emancipation Act of 1829, and it was now perceived that the greater part of the land of Ireland would ultimately be held by tenants from year to year. Mr. Sharman Crawford introduced another bill in 1843, and a third and more important bill in 1845. The bill of 1845 was introduced after the Land Occupation Report. The bill of 1845 contained many meritorious provisions. The claim for compensation on behalf of the tenant was to arise on demand of possession, on the expiration of the tenancy, on the service of a notice to quit, on the demand of an increased rent by the landlord, and on the service of process of ejectment. The claim was to be made in

ten days, and the tribunal was that of arbitrators selected by the parties, and failing that, the Irish county court judge, and a jury from the special jury panel, whose decision should be without appeal.

We may compare the demand of the most advanced advocates of the tenants in 1845 with what afterwards was accomplished in 1870. Too short a time (ten days) was allowed for the tenant's claims. As to the tribunal, the special jury panel provided practically a jury in which landlords would have predominated. There was no reference to the Ulster custom of tenant-right, and while tenants ordinarily give thirty-three years purchase on the increased value, the bill limits the compensation to twenty years.

Lord Stanley also introduced a bill for compensation to tenants (Ireland). It provided a most inadequate scale of compensation for buildings, drains, and fences. It was rejected by the House of Lords, on the second reading, by a majority of 48 to 34.

The dreadful famine of 1846 began in Ireland, and the evictions and sufferings of the people brought into notice the poor-rate element in the question of tenant-right. The arrears of rent, and the high poor-rates without any reductions of rent, were working a confiscation of the tenant's interest in improvements. Accordingly, Mr. Sharman Crawford introduced another bill in 1846, providing that the sheriff was to send copies of all writs of execution called *haberes*, received by him, to the Lord Lieutenant ten days before execution. Tenants were empowered to memorialize the Lord Lieutenant. Power was given to the Lord Lieutenant to stay execution on enquiry into circumstances, and to compel landlords to arbitrate as to compensation for improvements and right of occupation. Lord Lincoln introduced a more effective bill in the year 1846.

The famine continued; and in Ulster it was found that on many great estates the whole loss arising from the famine was thrown upon the tenant-right. During the famine years, the Ulster tenants must have lost ten millions of money. Accordingly, new provisions appeared in Mr. Sharman Crawford's Tenants' (Ireland) Bill, 1847. In it we find for the first time a specific proposition to legalize tenant-right, as a custom, where it prevailed. Provision was also made for compensation being awarded for tenant-right created by improvements; in places where the custom did not prevail, arbitration was to take place before eviction; and if no arbitrators were chosen, the court might appoint arbitrators. No tenant-right was to be awarded, unless the annual value of the premises was increased by the labour and capital of the tenant.

In that bill there was a clause, often contended for since, attempting to provide for the continuation of the tenant at a fair rent settled by arbitrators.

The development of the railway system led directly to a consideration of the tenants' claims on eviction. The Lands Clauses Act, 1845, § 81, enacted that "a person having no greater interest in land than as tenant for a year, or from year to year, if required to give possession of any lands so occupied by him before the expiration of his term or interest therein," was to be entitled "to compensation for the value of his unexpired term or interest in such lands, and

for any just allowance that ought to be made to him by an incoming tenant, and for any loss or injury he might sustain.

This bill of 1848 was the first tenant-right bill that included compensation for disturbance in addition to compensation for improvements. The tenants were declared by that bill entitled to Ulster tenant-right, including interest in premises, allowance in consideration of right of occupancy, and compensation for dispossession in as ample a manner as such tenant would receive compensation for lands taken for public purposes under the Lands Clauses Act, 1845. The claim was to arise on notice to quit, ejectment, or demand of increased rent; and a notice of claim was to be given on any of those events.

Sir William Somerville introduced a Landlord and Tenant (Ireland) Bill, 1848. This was the first government bill providing for existing improvements by a retrospective clause; still the concession to the tenants interests were very small. The retrospective clauses were limited to holdings of a rent of £10 and under. The improvements to be paid for were limited to those executed within five years before giving possession, and the claim could never exceed three years rent. In case of buildings, the previous consent of the landlord was required.

The Incumbered Estates Court Act had come into operation in 1849, and at once showed the total insecurity of all tenant-right usages in Ireland. Mr. M'Cullagh Torrens and Mr. Sharman Crawford introduced a bill in 1851, which was the first attempt to save tenant-right from being confiscated by sales.

The Tenant-Right agitation of 1852 now commenced. Upon many estates in Ireland in the beginning of 1851 no reductions of rent had taken place, no arrears had been forgiven, and very high poor-rates existed. The numbers receiving poor law relief, and relief through Public Works, were 2,043,505 in 1848; 2,142,266 in 1849; 1,174,267 in 1850. The position of the tenants upon such estates, particularly in the North of Ireland, was very unsatisfactory, their tenant-right usages and claims had become virtually confiscated.

Accordingly, an attempt to legislate on a tenant-right basis now commenced. The tenant-right usages were wholly unprotected in the sales under the Incumbered Estates Court; evictions and emigrations were proceeding.

The number of cases of forcible eviction during these years, as ascertained by the proceedings under the Evicted Tenants' Act, and the numbers emigrating, were as follows :

		Evictions.			Persons permanently leaving Ireland.
In 1849	.	72,065	.	.	254,425
„ 1850	.	74,171	.	.	249,050
„ 1851	.	43,449	.	.	289,721
„ 1852	.	32,160	.	.	190,322
Total, 221,845			.	.	983,818

At the same time the amount of out-door relief was, under the

extension of workhouses, rapidly diminished. Thus the number receiving out-door relief was :

			Persons receiving out-door relief in Ireland.
In 1849	.	.	1,210,482
„ 1850	.	.	368,655
„ 1851	.	.	41,914
„ 1852	.	.	14,911

In 1852, a Tenant League was formed, and Sergeant Shee, Member for Kilkenny, took charge of the Irish tenants case from 1852 to 1855.

In the bill which he introduced in 1854, he gave up the following clauses of the Tenant League bill. First, the Ulster custom clause ; secondly, the arrears of rent during the famine year clause ; thirdly, a clause protecting from eviction for a limited time tenants paying a fair rent, who had not improved but who were willing to improve.

This policy of concession adopted by Sergeant Shee was wholly unsuccessful, for the House of Lords, in 1854, threw out the Tenants Compensation Bill which had passed the Commons. Sergeant Shee lost his seat in 1857.

In 1857, Mr. Moore, with the sanction of the League, introduced his bill, called the Tenants Compensation (Ireland) Bill, 1857, omitting not only the three clauses omitted by Sergeant Shee and Mr. Pollard-Urquhart in 1854, viz. (1) The Ulster custom clauses ; (2) The clause relating to the famine years ; (3) The clause protecting for a limited time from eviction tenants paying a fair rent who had not improved but were willing to improve ; but also omitting the following two clauses. (4) The valuation clause ; (5) The O'Connell clause, under which all improvements were to be presumed, until the contrary was proved, to have been made by the tenant. This concession was not more successful than before. Lord Palmerston declined to support the bill.

In 1858, Mr. Maguire introduced the bill, as settled by Mr. Moore. Lord Mayo and Lord Palmerston opposed the second reading of the Bill.

Upon the adjourned debate, Mr. Whiteside declared the intention of Lord Derby's government to introduce no Tenants Compensation Bill for improvements, whether prospective or retrospective, but intimated they would introduce a Leasing Powers Bill.

Several causes had brought the case of the Irish tenants from year to year before the Legislature. The famine caused universal distress ; hundreds of thousands of tenants were evicted without any compensation, although it was well known that by their labour and industry for years, they had permanently increased the value of the land. On the temporary pressure caused by the famine, the tenants, unable to pay one year's rent, lost a real interest in the land, worth many years' rent. From exceptional circumstances, the great improvements of the land of Ireland had been made by the tenants, not by the landlords.

During the years succeeding the famine, the evictions proceeded at a most alarming rate.

Years.	Number of Evictions		Number of Persons permanently leaving Ireland.	
	Families	Persons		
1849 .	13,384	72,065	...	254,425
1850 .	14,546	74,171		249,050
1851 ...	8,815	43,449	.	289,721
1852 ...	6,550	32,160	..	190,322
1853 ..	3,820	17,868		173,148
1854	1,835	8,989	.	140,555
1855 .	1,365	6,732	.	91,914
1856 .	878	3,948		90,781
1857	919	4,223	.	95,081
1858 ...	720	3,432	.	64,337
1859 ..	491	2,348		80,599
1860 ...	511	2,711	.	87,626
1861 .	829	3,964	..	66,396
1862 ..	983	4,972	.	72,730

The first result of recent legislation on the land question, has been to check the practice of serving notices to quit, and in very many counties almost to stop all evictions, except for non-payment of rent. From the time of Mr. Gladstone's speech on Ireland in 1868, it was plain that an Irish Land Bill, giving increased security to the tenant, would be carried. Other causes had a tendency to check the evictions; and the number of evictions for 1869, 1870, and 1871, may be usefully contrasted with 1849, 1850, and 1851.

Return of the number of Actual Evictions throughout Ireland for the years 1869 and 1870, together with first Three Quarters of 1871.

Years.	Quarter ended.	Families.	Persons
1869 .	31st March	77	370
" ...	30th June	119	519
" ...	30th September	66	269
" ..	31st December	49	270
Total for 1869		311	1,428
1870 ...	31st March	77	364
" ..	30th June	127	608
" ..	30th September	195	940
" ...	31st December	45	177
Total for 1870		444	2,089
1871 ...	31st March	92	421
" ...	30th June	121	665
" ..	30th September	85	397
Total for first Three Quarters of 1871		298	1,483

Returns have been made, pursuant to an order of the House of Commons, of the cases brought before the chairmen of quarter sessions under the Landlord and Tenant Act (Ireland) 1870. These returns were ordered on the 14th of August, 1871, but are not completed up to the present time. They give, however, a fair idea of the business done by the chairmen of counties under the Land Act

during the past year. The amount of the claims for compensation is illusory, as in the amount claimed no regard whatever appears to be made to the real sum demanded; and the claim for set off, or otherwise, on behalf of the landlord, is generally put down as equal to the sum claimed. Many of the returns do not include the last October sessions. The results, so far as I have been able to ascertain, are as follows :—

In the county of Antrim, up to August, 1871, there were fifty-four land cases. In nineteen cases £3,030 11s. 6d. were decreed to the tenants by the chairman of Antrim. On appeal, this sum was slightly increased. The remaining cases were settled out of court. There were also thirteen cases of applications by limited owners for orders of confirmation, and thirteen orders of confirmation of leases.

In the county of Londonderry there were fifty-three land cases. Sums amounting to £1,712 19s. 11d. were decreed to twenty-eight tenants. The twenty-eight cases may be classified as follows :—In eight cases, £299 15s. were decreed to the tenants; in one case £813 4s. 11d. was decreed to the tenant; in nineteen cases, £10 per acre were awarded to the tenants—about £600; in seven other cases after being fully heard, a compact was entered into by which the boundaries of claimants' holding and the rent to be paid was defined and settled, and the ejectments and claims withdrawn; in two cases the claims were dismissed; in the rest the claims were either withdrawn or adjourned.

In the county of Tyrone there were thirty-five land cases. In twelve cases the tenants obtained decrees amounting to £946 12s. 2d.; in six cases, there were settlements out of court; two cases were dismissed; in twelve cases there was no rule; two were referred to arbitration; one case was adjourned to bide an appeal.

In the county of Down, the number of cases has not been returned. The amount decreed has been £537 8s. 6d to the tenants. The cases withdrawn for settlement have been eight in number. There has been no appeal.

In the county of Armagh, there were thirty cases. In seven cases there were decrees for £458 9s. 8d.; two cases were dismissed; the rest were settled out of court or adjourned.

In the county of Donegal there have been twenty-seven cases. In four cases the amount decreed to the tenants has been £363 14s. 8d.; three cases have been dismissed; nine have been withdrawn for settlement; the remainder are standing for judgment.

In the county of Fermanagh, forty cases have been entered; nine have been withdrawn for settlement. The amount decreed to the tenants has been £250 7s. 6d.

In the county of Cavan there were three cases, in all of which there were decrees for the tenants, amounting to £110 7s. 8d.

In the county of Monaghan there were seven cases. There was a decree for £50 in one case; the rest were withdrawn and settled.

In the county of Wicklow there have been eight cases. In four decrees were given for £340 6s.; one case was dismissed, and the dismissal affirmed on appeal; another case was dismissed; and two were withdrawn.

In the county of Westmeath there were five cases. In two there were decrees for £148, in one of these on appeal the claim was reduced from £140 to £100; the other cases were either settled out of court or adjourned.

In the county of Kildare there have been ten land cases; one case, for liberty to register improvements, was dismissed. There were decrees in three cases for the total sum of £72 8s. The remaining cases are withdrawn or undisposed of.

In the county of Meath there were three cases. In one there was a decree for £49; one was withdrawn for settlement, and one stands for judgment.

In the county of Louth there were two cases both of which were dismissed and no appeal was lodged; there was also the application for confirmation of a lease for thirty-five years at £6 rent, of 3a. or. 1½p. Irish measure, and the lease was confirmed.

In the county of Wexford there were four land cases. In all there were decrees amounting to £99 1s. 1d.; one decree, amounting to £47 8s. 10d. was reversed on appeal, and a dismiss for landlord given. Another decree for £40 8s. 9d. was confirmed on appeal.

In the county of Carlow there were seven land cases; three were dismissed on hearing; in three there was no appearance of parties, and one stands for judgment.

In the county of Kilkenny there have been three land cases. In one there was a decree for £1; the other two have been adjourned.

In the King's county no cases have been brought before the court under the Land Act.

In the county of Longford only one case came before the court, and it stood for judgment at the last October sessions.

In the county of Dublin there have been five cases; in one there has been a decree for £158 10s.; one has been withdrawn; three stand for judgment.

There has been no return from the Queen's county.

In the county of Mayo there were thirty cases. In seventeen the cases were withdrawn for settlement out of court; the total sum decreed by the chairman amounted to £54 2s. 7d. There were no appeals.

In the county of Galway there have been seventeen land cases. In two there have been decrees amounting to £58 9s. 2d.; three have been dismissed; the remainder have been settled or stand for hearing. There was one appeal and the dismiss affirmed.

In the county of Sligo there have been thirteen cases. In four there have been decrees for the tenants amounting to £273 15s. In one appeal the amount was increased from £10 to £27.

In the county of Roscommon seven cases were entered; one was dismissed; four were withdrawn for settlement; in two cases £26 15s. 6d. was decreed by chairman; and, on appeal, in one case the amount was increased from £25 5s. 6d. to £40 14s.

In the county of Leitrim twenty-two cases have been entered. In three cases decrees have been granted amounting to £54 19s. 6d. The remaining cases have been settled, except in some cases of appeals.

In the county of Cork, West Riding, there were thirty-four land cases. In ten cases the tenants obtained decrees, amounting in the whole to £493 19s 4d ; in five cases the claims were dismissed ; in seven cases there was a consent to grant leases for thirty-one years , in three cases a consent to grant leases for lives ; in one case a consent to grant a lease for twenty-one years ; in seven cases an arbitration was appointed, but the landlord, refusing to abide by his decision, he submitted to have the ejectments dismissed with costs, and the claims were nilled.

In the county of Waterford eleven cases have been brought before the court , two have been dismissed , five adjourned. In six cases £149 4s 4d. have been decreed to the tenants. There have been no appeals.

In the county of Limerick there were eight land cases. In two cases there were decrees for £100 12s. 3d. , two cases were withdrawn ; and the rest adjourned.

In the county of Kerry there have been six cases ; one was dismissed , three were withdrawn for settlement ; in two the decrees amounted to £67 13s. 7d.

In the county of Cork, East Riding, there were twenty-nine cases. In one case there was a decree for £188, deductions for rent and repairs, £139 5s., net sum decreed, £48 15s 2d. ; five cases were dismissed , seventeen cases were settled out of court ; the remainder were adjourned or stand for judgment.

In the county of Tipperary there were thirteen cases. In one case there was a decree for £10 , seven cases were dismissed ; four cases were settled out of court , two cases were withdrawn.

In the county of Clare there were six land cases ; four were withdrawn for settlement ; in one there was a decree for £29 7s. 6d., increased on appeal to £110 11s. 6d.

The second part of the Act of 1870 was passed to facilitate the purchase of farms by tenants. It has been too short a time in operation to have produced much result. In the recent sale of Lord Waterford's estates, the principle appears to have been very successful.

The total amount issued, or sanctioned by the Treasury to be issued, to tenants purchasing their farms under the Land Act up to December, 1871, is £97,829. The amount applied for, and now under consideration, is £28,433.

If the only results of the Land Act had been to check the emigration of capital and labour, to stop capricious evictions, to give compensation for improvements in proper cases, to give the tenant of land more independence in the management of land, the act would be a fair success. The emigration from Ireland is certainly checked ; the tenant is more secure than ever before he was in any country in the occupation of the land. I have never belonged to the school of economists who consider the diminution of the population of Ireland an advantage, either to our own country, or to the empire of which we form an integral portion. The statistics which I have given above, for the four years ending with 1852, show appalling human misery — 221,845 persons evicted in four

years — nearly one million of persons leaving Ireland in four years. If Mr. Gladstone's act had been in operation during these years, such evictions would have been impossible. The compensation for disturbance would have amounted to several millions of money, and could not have been paid by the landlords in the distressed times.

The most prosperous portions of the old settled countries will increase in population ; but the agricultural districts will always send off some of their number to the new corn fields, or gold fields ; and at present the price of corn is kept down by the discovery of new grain districts. San Francisco sends wheat to Dublin ; but the price of meat and butter is continually rising.

But we cannot refuse to take our share in the vast uncultivated but most fertile domains, which civilization is opening to enterprise in North America and Australia. The development of the railway system in America during the last ten years, has brought within reach virgin countries, equal in size, superior in climate and soil, to France or Germany.

The English language and the English laws extend over these new countries ; and the emigrants have plenty of good land and liberty to manage their affairs as they please. The energy of our countrymen cannot be restrained from taking possession of this vast inheritance.

But let us rejoice that the present emigration from Ireland is not caused by forced evictions, is not caused by famine. The Irish tenant farmer—tenant from year to year—is now legally in a better position than the bulk of his fellow-subjects in England or Scotland. No tenant from year to year in England or Scotland can get compensation for improvements, except under local custom ; no tenant farmer in England or Scotland can get compensation for disturbance. The comparatively small emigration this year proceeding from Ireland, is that which has gone on naturally in all ages of the world from the old countries to the new countries ; and it is proceeding with less discomfort, and more certainty of prosperity abroad, than in any other age of the world's history.

The working of the Land Act is shown in different phases in the north, centre, and south of Ireland. The notices to quit and evictions during the last year appear most numerous in the counties where most compensation has been decreed to the tenants. In the county of Antrim the tenants got £3,030 11s. 6d. (excluding the October sessions) ; in Londonderry the tenants got £1,712 19s. 11d. I calculate that in the remaining cases settled out of court in those two counties, the tenants received at least an equal, if not a greater sum ; so that in these two counties, the evicted tenants, about 100 in number, received £10,000 during the year 1871, after paying the arrears of rent and allowing any set-off claimed by the landlords. In the same two counties, after the parties had come into court, a great number of the tenantry got leases, or were left tenants of the land under a permanent settlement at a fair rent.

Such have been the results in the counties where litigation has been active between landlord and tenant ; and no one can say that

in the first year of the Land Act the result is unsatisfactory to the tenant.

But I consider it even more satisfactory that in so many counties in Ireland, litigation between landlord and tenant appears to have ceased—*notices to quit* have ceased—*evictions* have ceased.

Large sums of money are being expended by the tenants on the land; many leases are being given. There is a general sense of security for property; the value of land to the owners in fee-simple has risen. The tenant-right of Ulster has been legalized. It is worth twenty millions of money. The analogous usages through the rest of Ireland, and the right to compensation for disturbance and improvement, are now worth to the tenant farmer at least an equal sum, though the value of the fee-simple has also increased. On the lowest calculation, the Land Act of 1870 is worth forty millions to the tenants of Ireland. In the midst of what Lord Macaulay calls the splendid slavery of power, these matters ought to be satisfactory to the statesman who carried the bill.

The agrarian crime consequent on evictions has almost ceased. For the first six months of 1871 the number of agrarian offences in Ireland was only 242. Many of these so called agrarian offences arise from disputes between tenants and labourers as to the right of cutting turf, and as to rights of way. It is very much to be regretted that the Charman of Quarter Sessions is not invested with jurisdiction in such cases, even though a question of title be involved.

For many years to come the main advantages arising from the increased prices of meat and butter—from the improved breeds of cattle, sheep, and pigs—will belong to the tenant. A great portion of the advantages arising from the gradual increase in the value of land will also belong to the tenant. The system of half-yearly notices to quit is gone for ever. From all portions of Ireland accounts are coming that a large expenditure on the improvement of land is now going on. The Land Act has disappointed many, and great expectations have not been realized. A further development of tenant-right is hoped for; and I purpose to consider in another paper the further claims of the tenants of Ireland. But the tenants of Ireland understand that Mr. Gladstone's bill is worth to them forty millions of money. They bitterly regret that it was not passed twenty years ago. The Statistical Society has a right to pronounce an opinion upon the act which embodies many of the principles year after year promulgated within these walls; and we trust that recent legislation will tend to the tranquillity of our country, and that in every county in Ireland there may be a wealthy resident gentry, living in peace and happiness amongst a prosperous and independent tenantry.